

**REMARKS**

Claims 1-5, 8-37, 56-64 are pending in this application. Claims 56-64 have been withdrawn from consideration. Claims 38-55 have been canceled. Claims 1-5, 8-12, 14-17, 20 and 23-29 are rejected. Claims 13, 18, 19, 21, 22 and 30-32 are objected to.

**INTERVIEW**

Applicant would like to thank Examiner Pham for the telephonic interview on July 29, 2003. Applicant and Examiner came to a consensus regarding independent Claims 1, 10, 15 and 23. Applicant has amended Claim 1 to clarify that the mask material is overlaying "and in contact with" the dielectric layer. In regards to independent Claims 10, 15 and 23, Applicant has amended said claims to clarify that the oxide layer is on "and in contact with" a surface of a substrate. Examiner Pham suggested making the amendments and filing a RCE, since the amendments are occurring after a final rejection and the examiner would merely file an Advisory Action requiring a RCE to be filed.

**Rejection Under 35 U.S.C. §102(b)**

Claims 1-5, 8-17, 20, 23, 24 and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by Chang et al. (U.S. Patent 5,792,681).

**Claim 1**

In regards to independent Claim 1, Applicant has amended Claim 1 for clarity reasons pursuant to the Examiners suggestion. As amended, Claim 1 includes the element "forming a layer of mask material overlaying and in contact with the dielectric layer." The Chang et al. reference does not teach "forming a layer of mask material overlaying and in contact with the dielectric layer," as is disclosed and Claimed in Claim 1 of the present application. Accordingly, Applicant respectfully request the withdrawal of the rejection of Claim 1 under 35 U.S.C. §102.

Moreover, since dependant claims 2-5 and 8-9 depend from patentably distinct Claim 1, Applicant respectfully requests the withdrawal of the rejection of these dependant claims. In addition, since the Applicant believes these dependant claims are allowable for the reasons stated

above, further rejections to said claims have not been addressed in this response. However, if a further response is required, Applicant retains the right to address said rejections.

#### Claim 10

In regards to independent Claim 10, Applicant has amended Claim 10 for clarity reasons pursuant to the Examiners suggestion. As amended, Claim 10 includes the element “forming an oxide layer on and in contact with a surface of a substrate.” The Chang et al. reference does not teach “forming an oxide layer on and in contact with a surface of a substrate,” as is disclosed and Claimed in Claim 10 of the present application. Accordingly, Applicant respectfully request the withdrawal of the rejection of Claim 10 under 35 U.S.C. §102.

Moreover, since dependant claims 11-14 depend from patentably distinct Claim 10, Applicant respectfully requests the withdrawal of the rejection of these dependant claims. In addition, since the Applicant believes these dependant claims are allowable for the reasons stated above, further rejections to said claims have not been addressed in this response. However, if a further response is required, Applicant retains the right to address said rejections.

#### Claim 15

In regards to independent Claim 15, Applicant has amended Claim 15 for clarity reasons pursuant to the Examiners suggestion. As amended, Claim 15 includes the element “forming an oxide layer on and in contact with a surface of a substrate.” The Chang et al. reference does not teach “forming an oxide layer on and in contact with a surface of a substrate,” as is disclosed and Claimed in Claim 15 of the present application. Accordingly, Applicant respectfully request the withdrawal of the rejection of Claim 15 under 35 U.S.C. §102.

Moreover, since dependant claims 16-22 depend from patentably distinct Claim 15, Applicant respectfully requests the withdrawal of the rejection of these dependant claims. In addition, since the Applicant believes these dependant claims are allowable for the reasons stated above, further rejections to said claims have not been addressed in this response. However, if a further response is required, Applicant retains the right to address said rejections.

Claim 23

In regards to independent Claim 23, Applicant has amended Claim 23 for clarity reasons pursuant to the Examiners suggestion. As amended, Claim 23 includes the element "forming an oxide layer on and in contact with a surface of a substrate." The Chang et al. reference does not teach "forming an oxide layer on and in contact with a surface of a substrate," as is disclosed and Claimed in Claim 23 of the present application. Accordingly, Applicant respectfully request the withdrawal of the rejection of Claim 23 under 35 U.S.C. §102.

Moreover, since dependant claims 24-32 depend from patentably distinct Claim 23, Applicant respectfully requests the withdrawal of the rejection of these dependant claims. In addition, since the Applicant believes these dependant claims are allowable for the reasons stated above, further rejections to said claims have not been addressed in this response. However, if a further response is required, Applicant retains the right to address said rejections.

Allowable Subject Matter

Claims 33-37 are allowed.

Claims 13, 18, 19, 21, 22 and 30-32 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Serial No.: 09/992,880

Filing Date: November 5, 2001

Attorney Docket No. 125.014US01

Title: INTEGRATED CIRCUIT WITH A MOS CAPACITOR

---

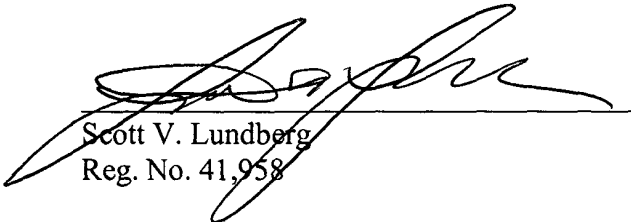
CONCLUSION

Applicant respectfully submits that claims 1-5 and 8-37 are in condition for allowance and notification to that effect is earnestly requested. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

If necessary, please charge and additional fees or credit overpayment to Deposit Account No. 502432.

Respectfully submitted,

Date: 7-30-03

  
\_\_\_\_\_  
Scott V. Lundberg  
Reg. No. 41,958

Attorneys for Applicant  
Fogg & Associates, LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
T – (612) 332-4720  
F – (612) 677-3553